

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN M. VIDLAK,

Defendant.

8:13-CR-148

MEMORANDUM AND ORDER

This matter is before the Court on the defendant Jonathan M. Vidlak's objections (filing [30](#)) to the findings and recommendation (filing [29](#)) of Magistrate Judge Thomas D. Thalken, recommending that Vidlak's motion to suppress (filing [17](#)) be denied. Vidlak is charged in a two-count indictment with receipt and distribution and attempted receipt and distribution of child pornography, in violation of [18 U.S.C. § 2252A\(a\)\(2\)](#), and accessing, with the intent to view, one or more computer files depicting child pornography, in violation of [§ 2252A\(a\)\(5\)\(B\)](#). Vidlak seeks to suppress statements he made to law enforcement officers when they executed a search warrant at his residence on March 22, 2013.

The Court has conducted a de novo review of Vidlak's motion to suppress, pursuant to [28 U.S.C. § 636\(b\)\(1\)](#). In his findings and recommendation, Judge Thalken set forth a thorough account of the facts surrounding Vidlak's interview by Douglas County Sheriff's Office Investigator Mark Dishaw. Vidlak "generally agrees" with Judge Thalken's presentation of the facts. Filing [31](#) at 1. The Court has read the transcript of the hearing conducted by Judge Thalken and carefully reviewed the evidence, including the audio recording of Vidlak's conversation with Investigator Dishaw. The Court finds that Judge Thalken's factual findings accurately depict the relevant events and the Court therefore adopts those findings. The Court also agrees with Judge Thalken that (1) Vidlak was not in custody for purposes of *Miranda*; and (2) that Vidlak's statements were voluntary and not the product of police coercion that overbore his will. Accordingly,

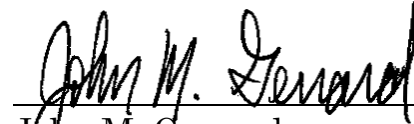
IT IS ORDERED:

1. The Court adopts the Magistrate Judge's findings and recommendation (filing [29](#));

2. The defendant's objections (filing 30) are overruled; and
3. The motion to suppress (filing 17) is denied in all respects.

Dated this 25th day of September, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge